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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,713	02/14/2002	Douglas M. Crockett	020197	2084
23696	7590	01/26/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WAT

Office Action Summary	Application No.	Applicant(s)
	10/076,713	CROCKETT ET AL.
	Examiner	Art Unit
	Tilahun B Gesesse	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,10,11,18,19,27 and 28 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3-9,12-17,20-26 and 29-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to applicant's argument files September 27.2004, in which claims 3-9,12-17,20-26,29-36 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3-5,12-13,20-23,29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (5,530,916) in view of Schultz (5,471,646).

Claims 3,29 Schmidt discloses in a server (21) a method for initiating a group a group call in a group communication network (figure 3), receiving a request for initiating a group call based on a member (originating phone 20 a request dial group no.10, column 3 lines 36-59 and figure 3) and initiating the group call based on the received member list (column 3 line 60-column 4 line 8, column 2, lines 25-35 and figure 3). Schmidt discloses receiving from a member who wishes to participate in the group call (send connect signal to the switch, column 6,line 29) and forwarding media to the member after its traffic channel is re-established (column 6 lines 30-31 and figure 7). Schmidt differs in expressly teaching announcing the group acknowledgement from a member. However, Schmidt discloses announcing and acknowledging the reception of group call and forward traffic to the members (column 3, lines 30-column 4, line 17 and

figure 1). Since, Schmidt, in the same art, teaches group call, then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to announcing and acknowledging the reception of group call, as evidenced by Schultz, in order to conform the initiating party that the group call is established and group call members dispatched the media traffic.

As to claims 4,21,Schmidt discloses triggering the member to re-establish its traffic channel (column 6, lines 30-31).

As to claims 5,22,30-31Schmidt discloses buffering media for transmission to the member after its traffic channel is re-established (column 5, line 64 Column 6 line 4).

Claims 12-13, Schmidt discloses in a server (21) a method for initiating a group a group call in a group communication network (figure 3), receiving a request for initiating a group call based on a member (originating phone 20 a request dial group no.10, column 3 lines 36-59 and figure 3) and initiating the group call based on the received member list (column 3 line 60-column 4 line 8, column 2, lines 25-35 and figure 3). Schmidt discloses receiving from a member who wishes to participate in the group call (send connect signal to the switch, column 6,line 29) and forwarding media to the member after its traffic channel is re-established (column 6 lines 30-31 and figure 7). Schmidt differs in expressly teaching announcing the group acknowledgement from a member. However, Schmidt discloses announcing and acknowledging the reception of group call and forward traffic to the members (column 3, lines 30-column 4, line 17 and figure 1). Since, Schmidt, in the same art, teaches group call, then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

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announcing and acknowledging the reception of group call, as evidenced by Schultz, in order to conform the initiating party that the group call is established and group call members dispatched the media traffic.

Claims 20,23, Schmidt discloses in a server (21) a method for initiating a group a group call in a group communication network (figure 3), receiving a request for initiating a group call based on a member (originating phone 20 a request dial group no.10, column 3 lines 36-59 and figure 3) and initiating the group call based on the received member list (column 3 line 60-column 4 line 8, column 2, lines 25-35 and figure 3). Schmidt discloses receiving from a member who wishes to participate in the group call (send connect signal to the switch, column 6,line 29) and forwarding media to the member after its traffic channel is re-established (column 6 lines 30-31 and figure 7). Schmidt differs in expressly teaching announcing the group acknowledgement from a member. However, Schmidt discloses announcing and acknowledging the reception of group call and forward traffic to the members (column 3, lines 30-column 4, line 17 and figure 1). Since, Schmidt, in the same art, teaches group call, then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to announcing and acknowledging the reception of group call, as evidenced by Schultz, in order to conform the initiating party that the group call is established and group call members dispatched the media traffic.

4. Claims 6-9,14-17,24-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Schultz and further view of Schmidt (WO 01/31968).

As to claim 6-8,14-16,24-25 and 32-34,Schmidt discloses the announcement includes transmitting the message on a forward paging channel of the wireless network (column 6, lines 18-36). Schmidt and Schultz do not disclose forward common control channel of the wireless network. Schmidt discloses the paging message reside entirely on a portion of the SPACH or equivalent control channel (page 23 Line 21-page 24 Line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the time of the invention was made to combine Schmidt and Schmidt'968 in forwarding common channel of the wireless network, as taught by Schmidt' 968, in order to dispatch a call to the group call participants.

As to claim 9,17,26,35 Schmidt discloses transmitting the message in shod data burst form. The ID field of an originating caller page message is considered "short data burst" (abstract). 6. considered but are moot in view of the new grounds) of rejection.

Response to Arguments

5. Applicant's arguments filed 9/27/04 have been fully considered but they are not persuasive.

On page 2 fourth paragraph of applicants remarks, applicant argued that Schmidt discloses a method for auto answering a call based on a caller ID and an originating phone may be a land-line phone or a mobile phone, and the originating phone begins the call procedure by sending a page---.

The examiner disagrees. Applicant claim recites that receiving a request for initiating a group call based on a member list, initiating the group call based on received

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member list. Schmidt teaches the originating phone is mobile phone by sending it's own ID for initiating a group call (abstract). In this regard, applicant's claim member list would be any type of authentication ID that notifies the system the caller is part of group and then dispatches the group call to the rest of members. That what exactly teaching Schmidt, see column 3, line 36-column 6, line 44 and figures 3-7).

On page 3, fifth paragraph of applicant's remark, applicant argued that Schmidt teaches the originating phone performs initiating of a phone call.

The examiner agrees. Schmidt teaches sending or initiating MSID=1 to initiate a group call to a group of mobile stations identified by the group member "group 10" and the originating phone 20 is dialing a group member as the phone number. See column 3, lines 36-53 and figure 3).

Conclusion, in view of the cited prior art and applicant's broadly recited claims, the applied prior art meets the claim subject matter and the rejection under 35 USC 103, is proper, therefore, is maintained

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 15, 2005



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PRIMARY EXAMINER